

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Blockquarry Corp. f/k/a ISW Holdings, Inc.,

Plaintiff,

v.

Litchain Corp. and Gaffney Board of Public
Works,

Defendants.

Gaffney Board of Public Works,

Counter-/Cross-Claimant,

v.

Blockquarry Corp. f/k/a ISW Holdings, Inc.,
Counterclaim Defendant, and Litchain Corp.,
Crossclaim Defendant.

C/A No.: 7:23-cv-01427-TMC

**PLAINTIFF'S REQUEST FOR
ENTRY OF DEFAULT AS TO
DEFENDANT LITCHAIN CORP.**

Plaintiff Blockquarry Corp. f/k/a ISW Holdings, Inc. ("Plaintiff") hereby requests entry of default as to Defendant Litchain Corp ("Litchain") pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

1. On April 7, 2023, Plaintiff filed the instant action seeking compensatory, declaratory, and injunctive relief against Litchain, arising from Plaintiff's cryptocurrency mining business conducted at 150 Hyatt Street, Gaffney, South Carolina. (*See* ECF No. 1).

2. On June 22, 2023, the Court granted Plaintiff's alternative motion for leave to serve Litchain by publication with the South Carolina-based *The Gaffney Ledger* and the Florida-based *Sanford Herald*, pursuant to Rule 4(e)(1), FRCP, S.C. Code Ann. § 15-9-710, and Fla.

Stat. §§ 49.011, 49.021. (*See* ECF No. 37). The Court additionally directed Plaintiff to mail a copy of the summons and Complaint to Litchain's principal office. (*Id.*). Finally, the Court granted Plaintiff's request for an extension of time in which to serve Litchain, extending that deadline to August 22, 2023. (*Id.*).

3. As evidenced by Plaintiff's Second Verified Service Status Report and contemporaneously filed Affidavits of Publication, Plaintiff has now perfected service upon Litchain by publication, pursuant to both S.C. Code Ann. § 15-9-710 and Fla. Stat. §§ 49.011, 49.021, as applicable under Rule 4(e)(1). (ECF Nos. 52, 53, 54).

4. Given the July 12 publication date of the *Sanford Herald's* first publication of the Notice of Action (ECF No. 54-1), Litchain had until August 9, 2023, "to file written defenses with the clerk of the court and to serve a copy . . . on plaintiff or [its] attorney." Fla. Stat. § 49.09.

5. Given the August 11 publication date of *The Gaffney Ledger's* final publication of the summons (ECF 53-1), Litchain had until September 1, 2023 to file a responsive pleading or to otherwise file a motion. *See, e.g., Nationstar Mortg. LLC v. Gore*, No. 4:19-CV-00230-SAL, 2020 WL 1814036, at *1 (D.S.C. Apr. 8, 2020) ("Because Ms. Gore failed to serve any response to the complaint upon counsel for Nationstar within 21 days after the last publication of the summons and complaint in the Sun News, Ms. Gore defaulted."). This Court recognized the same. (*See* ECF No. 56).

6. To date, Litchain has failed to file a pleading in response to Plaintiff's timely served Complaint or to otherwise request the Court for relief.

7. Entry of Litchain's default is proper under Rule 55(a) because Plaintiff has sought a judgment for affirmative relief against Litchain and Litchain has failed to plead or otherwise defend. Thus, Plaintiff request entry of default as to Litchain.

Respectfully submitted,

September 5, 2023

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